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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,742	12/11/2003	Conleth O'Connell	VIGN1640-2	8405
44654	7590	09/15/2006	EXAMINER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			PATEL, HETUL B	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,742

Applicant(s)

O'CONNELL ET AL.

Examiner

Hetul Patel

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 05, 2006 has been entered and carefully considered.
2. Claims 1, 16 and 29 are amended and claims 44-45 are cancelled. Therefore, claims 1-43 are currently pending in the application.
3. Applicant's arguments filed on 09/05/2006 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

4. The disclosure is objected to because of the following informalities: The co-pending application number needs to be entered in paragraph [0001] of the specification of the current application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Orto et al. (USPN: 2004/0107319) hereinafter, D'Orto.

As per claim 1, D'Orto teaches a method for updating a cache, comprising regenerating a request from metadata (i.e. the type of data and a frequency at which the source data is updated) associated with content previously stored in the cache, wherein the previously stored content was generated based on a previously received request identical to the generated request and the metadata is stored in conjunction with the previously stored content; receiving new content, wherein the new content is generated based on the request; and replacing the previously stored content with the new content in the cache (e.g. see paragraph [0012] and Figs. 1-4).

As per claim 2, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the method comprising the step of receiving information on updated content (i.e. automatically retrieves the updated data from the data source/server) (e.g. see paragraphs [0004] and [0012]).

As per claim 3, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the request is regenerated in response to the information received (i.e. the request is regenerated based on the frequency a user requests/accesses the information and the frequency at which the source data is updated) (e.g. see paragraph [0012]).

As per claim 4, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the metadata is template metadata or request metadata (i.e. the frequency a user accesses or requests the information) and the information received pertains to the template metadata or the request metadata (e.g. see paragraph [0012]).

As per claims 5 and 6, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the information is received by and regenerated by a cache manager (i.e. 30 in Fig. 1) (e.g. see Fig. 1 and paragraph [0004]).

As per claim 7, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the method further comprising a step of sending the information, wherein the information is sent by an application manager (i.e. the data source, such as web site or in more specific the web server) (e.g. see paragraphs [0002] and [0004]).

As per claim 8, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the information is sent in response to a content change (i.e. based on the frequency at which the source data is updated/changed), metadata change, or template change (e.g. see paragraph [0012]).

As per claim 9, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the information is sent via web pages (e.g. see 26 in Fig. 1). Although D'Orto does not clearly disclose that the information is sent via HTTP or JMS, it is inherent feature that the data/information is transferred between the cache and the web pages/servers via HTTP (i.e. Hyper Text Transfer Protocol) or JMS (i.e. Java Message Service).

As per claim 10, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the method further comprising a step of locating the previously stored content in the cache (i.e. locating the "stale" data and "purging" it as described in paragraphs [0020] and [0025]).

As per claim 11, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the step of locating previously stored content comprises comparing the received information with the template metadata (i.e. the type of data) associated with the previously stored content (e.g. see paragraphs [0020] and [0025]).

As per claim 12, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the step of locating previously stored content comprises comparing the received information with the request metadata (i.e. the frequency a user requests/accesses the information) associated with the previously stored content (e.g. see paragraphs [0020] and [0025]).

As per claim 13, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that regenerating the request is not based on a user request but based on the predetermined conditions (e.g. see paragraph [0025]).

As per claim 14, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that regenerating the request is based on the frequency a user requests/accesses the information and the frequency at which the source data is updated (e.g. see paragraphs [0012] and [0025]). Therefore, D'Orto has to depend on some sort of a timer to regenerate the request based on the frequencies listed above.

As per claim 15, D'Orto teaches the claimed invention as described above and furthermore, D'Orto teaches that the timer is associated with the previously stored data, i.e. associated with the frequency a user requests/accesses the information and the frequency at which the source data is updated; and the previously stored data has to be associated with it in order to determine the above listed frequencies (e.g. see paragraphs [0012] and [0025]).

As per claims 16-43, see arguments with respect to the rejection of claims 1-4, 7-15 and 1-15, respectively. Claims 16-43 are rejected based on the same rationale as the rejection of claims 1-4, 7-15 and 1-15, respectively.


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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